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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,199	04/11/2001	Itzhak Wilf	P-1570-US	5318

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EXAMINER

NATNAEL, PAULO S M

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/647,199

Applicant(s)

WILF ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 13,16,18,22,31 and 32 is/are rejected.
- 7) ☒ Claim(s) 14,15,17,19-21,23-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-7-00</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. Priority data does not match claimed benefit of application 06/080,137.

### ***Oath/Declaration***

2. The full name of each inventor (family name and at least one given name together with any initial) has not been set forth. Signature of 1<sup>st</sup> inventor is different from the name given.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13, 16, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al., U.S. Patent No. 5,635,982.

Considering claim 13, Zhang et al. discloses automatic video segmentation and key frame extraction; the method includes detecting both camera shots implemented by sharp break and gradual transitions implemented by special editing techniques,

including dissolve, wipe, fade-in and fade-out; and content-based key frame selection of individual shots by analyzing the temporal variation of video content and selecting a key frame once the difference of content between the current frame and a preceding selected key frame exceeds a set of preselected thresholds. (abstract) Figure 4 shows a flow chart for extracting key frame of the present invention, calculates the differences between frames I-S and I, based on a selected difference metric...and calculates the difference Da between frames I and Fk based on selected difference metric. (fig.4)

Regarding claim **16**, see rejection of claim 13.

Regarding claim **18**, see rejection of claim 13.

5. Claims **22, 31** are rejected under 35 U.S.C. 102(e) as being anticipated by Toklu et al., U.S. Patent No. 6,549,643.

Considering claim **22**, Toklu et al. (hereinafter, Toklu) discloses system and method for selecting key-frames of video data (title). Fig. 2A teaches selecting first frame in segment as Key-frame 207, and selecting key-frames in each segment uniformly in Time bases on cumulative sum 208, and after eliminating visually similar key-frames in each segment 209, outputs a combined key-frame list for each unit. Thus, Toklu discloses the claimed subject matter as claimed.

Regarding Claim **31**, see rejection of claim **22**.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **32** is rejected under 35 U.S.C. 103(a) as being unpatentable over Toklu et al., U.S. Patent No. 6,549,643.

Regarding claim 32, Toklu does not specifically teach face image. However, the examiner takes official notice in that it is well known in the art that an image could be any type of image, including face image, and therefore it would have been obvious to the skilled in the art at the time the invention was made to implement Toklu's system accordingly.

***Allowable Subject Matter***


8. Claims 1-12,28-30 are allowable over the prior art.

9. Claims 14-15,17,19-21, **23-27, 33** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael  
Primary Examiner  
Art Unit 2614

Pmn  
September 6, 2005